

\$~49

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2254/2018 & C.M.No.9316/2018.

MASTER VAIBHAV THROUGH HIS FATHER HEMANT
AGGARWAL

..... Petitioner

Through Ms.Aakanksha Sinh with Ms.Apoorva
Pandey, Advs.

versus

BAL BHARTI PUBLIC SCHOOL AND ANR. Respondent

Through Mr.Kamal Gupta with Ms.Tripti
Gupta, Advs for R-1.

Ms.Hetu Arora Sethi, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

%

12.03.2018

Vide the present petition, the petitioner has prayed for a direction to the respondents to restore his admission in the EWS category in the respondent no.1/school.

Learned counsel for the petitioner submits that the petitioner was admitted in July, 2013 in the respondent no.1/school on basis of income certificate dated 07.01.2013 and other documents filed by the petitioner's father. She submits that the said certificate has now been found to be fake after a period of five years. She submits that the petitioner's father was not at fault for submitting a fake certificate as he was not aware that the said certificate was fake.

She further submits that the petitioner's father has already submitted a fresh income certificate dated 13.02.2018, which also

shows that the petitioner was entitled to get admission in the EWS category.

Learned counsel for the petitioner also places reliance on decisions of this Court in ***W.P.(C)No.625/2018*** & ***W.P.(C)No.3786/2016***, wherein the Court had upon consideration of the matter, directed that in case the fresh income certificate of the father was found to be genuine, the minor student should not suffer and should be granted readmission in the school.

Issue notice. Mr.Kamal Gupta learned counsel for respondent no.1 and Ms. Ms.Hetu Arora Sethi, learned counsel for respondent no.2 accept notice.

Learned counsel for respondent no.2 fairly states that the said fresh income certificate 13.02.2018 submitted by the petitioner's father has been verified and found to be correct.

Learned counsels for both the respondents concede that the matter is squarely covered by the aforesaid decisions of this Court.

For the parity of reasons, the impugned order dated 07.01.2018, vide which the petitioner's admission in respondent no.1/school has been cancelled, is set aside and the respondent no.1/school is directed to immediately re-admit the petitioner. The writ petition is accordingly allowed, subject to cost of Rs.5,000/- to the Delhi High Court Staff Welfare Fund.

It is made clear that this Court has not commented on the veracity of the original certificate submitted by the petitioner's father and, therefore, any independent proceedings in respect of the same shall not be influenced by this order.

The writ petition alongwith pending application stand disposed of in the above terms.

REKHA PALLI, J

MARCH 12, 2018/sr